

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 18-2005 JVS (DFMx) Date January 2, 2019

Title Efigenia Lagunas v. SPS Technologies, LLC et al.

Present: The Honorable James V. Selna

Karla J. Tunis

Deputy Clerk

Not Present

Court Reporter

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (IN CHAMBERS) Order Denying Defendant's Motion to Dismiss

Plaintiff Efigenia Lagunas ("Lagunas") filed a motion to remand. Mot., Docket No. 10. Defendant SPS Technologies, LLC d/b/a Air Industries Company ("SPS") filed an opposition. Opp'n, Docket No. 12. Lagunas replied. Reply, Docket No. 16.

Local Rule 7-3 requires that the parties meet and confer "at least seven (7) days prior to the filing of the motion" to "discuss thoroughly . . . the substance of the contemplated motion and any potential resolution." If the parties cannot resolve the issue, then the counsel for the moving party must include in the notice of motion the following statement: "[t]his motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date)." Id.

Here, the notice of motion states: "Pursuant to Local Rule 7-3, the parties met and conferred and Defendant's counsel informed Plaintiff's counsel they would not stipulate to remand this matter to state court." Notice of Mot., Docket No. 10 at 2. However, Lagunas does not indicate when her counsel met and conferred with counsel for SPS. Thus, the Court cannot determine whether the parties met and conferred at least seven days prior to the filing of the instant motion as required by Local Rule 7-3. Counsel for SPS also declares that opposing counsel's attempt to meet and confer consisted only of a phone call placed to counsel for SPS within hours of filing the instant motion. Declaration of Julie Wescott O'Dell, Docket No. 12-1 ¶ 2. Lagunas fails to respond to this contention in her reply brief. See Reply, Docket No. 16. Therefore, the Court finds that counsel for Lagunas failed to meet and confer as required under Local Rule 7-3.

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Accordingly, the Court **denies** the motion to remand without prejudice. The motion may be re-noticed with a showing of compliance with Local Rule 7-3. The Court vacates the January 7, 2019 hearing. See Fed. R. Civ. P. 78; L.R. 7-15.

IT IS SO ORDERED.

Initials of Preparer kjt : 00